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OFFICE OF PETITIONS

In re Application of
Pellegrini et al.
Application No. 09/736,134
Filed: December 15, 2000
Atty Dkt.: 22571-166778

DECISION GRANTING PETITION

This is a decision on the “APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(b)” filed September 25, 2007.

The application for patent term adjustment (“PTA”) under 37 CFR 1.705(b) is hereby **GRANTED**.

The correct Patent Term Adjustment (“PTA”) at the time of the allowance is 1183 days. The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the instant letter reflects an adjustment of 1159 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

The Determination of Patent Term Adjustment mailed September 18, 2007 indicated that the PTA to date is 250 days. Applicants argue that the application is entitled to an adjustment of 1159 days.

As uncontested by applicants, the application is entitled to an adjustment of 755 days in accordance with 37 CFR 1.702(a)(1) in connection with the Office action mailed March 11, 2004.

As further uncontested by applicants, the application is entitled to a further adjustment of five days in accordance with 37 CFR 1.702(a)(2) in connection with the final Office action mailed October 8, 2004.

As argued by applicants, the application is entitled to a further adjustment of 410 days in connection with the mailing of the non-final Office action on July 3, 2006. The adjustment began May 20, 2005, the day after the dates that is four months from the RCE submission and ending on July 3, 2006, the date of reply by the Office.

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Applicant delayed by a period of 11 day pursuant to 37 CFR 1.704(b). The delay began on January 9, 2005, and ended on January 19, 2005, the date of submission of a compliant RCE.

Accordingly, as of the time of allowance, the application is entitled to an adjustment of 1159 days (an adjustment of $755 + 410 + 5 - 11 = 1159$.)

The required PTA application fee of \$200.00 has been charged to applicant's deposit account as authorized.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery Fries
Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: Adjusted PTA determination


PALM INTRANET

 Day : Tuesday
 Date: 3/4/2008
 Time: 10:27:20

PTA Calculations for Application: 09/736134

Application Filing Date:	12/15/2000	PTO Delay (PTO):	760
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	510
Post-Issue Petitions:	0	Total PTA (days):	1159
PTO Delay Adjustment:	909		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
75	03/04/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	909		
68	09/18/2007	MAIL NOTICE OF ALLOWANCE			
67	09/12/2007	ISSUE REVISION COMPLETED			
66	09/12/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
65	09/12/2007	DOCUMENT VERIFICATION			
64	09/12/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
63	09/12/2007	NOTICE OF ALLOWABILITY			
62	08/29/2007	DATE FORWARDED TO EXAMINER			
61	08/22/2007	RESPONSE AFTER NON-FINAL ACTION			
60	08/10/2007	MAIL NOTICE OF WITHDRAWN ACTION			
59	08/10/2007	MAIL NON-FINAL REJECTION			
58	08/10/2007	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
57	08/08/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
56	08/08/2007	NON-FINAL REJECTION			
55	08/08/2007	LETTER WITHDRAWING / VACATING OFFICE ACTION			
54	07/12/2007	MAIL FINAL REJECTION (PTOL - 326)			
53	06/11/2007	FINAL REJECTION			
52	04/03/2007	DATE FORWARDED TO EXAMINER			
51	03/16/2007	RESPONSE AFTER NON-FINAL ACTION			
50	01/12/2007	MAIL NON-FINAL REJECTION			
49	01/08/2007	NON-FINAL REJECTION			
48	10/08/2006	DATE FORWARDED TO EXAMINER			
47	10/04/2006	RESPONSE AFTER NON-FINAL ACTION	1	46	

46	07/03/2006	MAIL NON-FINAL REJECTION			
45	06/28/2006	CASE DOCKETED TO EXAMINER IN GAU			
44	06/26/2006	NON-FINAL REJECTION			
43	06/26/2006	DATE FORWARDED TO EXAMINER			
42	06/01/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)		509	19
41	06/26/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
40	06/01/2006	MAIL-PETITION TO REVIVE APPLICATION - GRANTED			
35	10/04/2005	PETITION ENTERED			
33	08/18/2005	MAIL ABANDONMENT FOR FAILURE TO RESPOND TO OFFICE ACTION			
32	06/27/2005	ABANDONMENT FOR FAILURE TO RESPOND TO OFFICE ACTION			
31	05/20/2005	UNTIMELY (LATE) AMENDMENT FILED			
30	01/19/2005	IMPROPER REQUEST FOR CONTINUED EXAMINATION			
28	06/06/2005	CASE DOCKETED TO EXAMINER IN GAU			
27	06/02/2005	CASE DOCKETED TO EXAMINER IN GAU			
21	01/19/2005	WORKFLOW INCOMING AMENDMENT IFW			
20	01/19/2005	WORKFLOW - REQUEST FOR RCE - BEGIN			
19	10/08/2004	MAIL FINAL REJECTION (PTOL - 326)	5		15
18	10/01/2004	FINAL REJECTION			
17	07/02/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	07/02/2004	DATE FORWARDED TO EXAMINER			
15	06/03/2004	RESPONSE AFTER NON-FINAL ACTION			
14	06/03/2004	WORKFLOW INCOMING AMENDMENT IFW			
13	03/11/2004	MAIL NON-FINAL REJECTION	755		-1
12	03/05/2004	NON-FINAL REJECTION			
11	04/23/2002	CASE DOCKETED TO EXAMINER IN GAU			
10	12/17/2001	CASE DOCKETED TO EXAMINER IN GAU			
9	12/17/2001	CASE DOCKETED TO EXAMINER IN GAU			
8	11/06/2001	CASE DOCKETED TO EXAMINER IN GAU			
7	03/25/2001	CASE DOCKETED TO EXAMINER IN GAU			
6	03/01/2001	APPLICATION DISPATCHED FROM OIPE			
5	02/02/2001	APPLICATION IS NOW COMPLETE			
4	02/02/2001	NOTICE MAILED--APPLICATION INCOMPLETE--			

FILING DATE ASSIGNED			
3	02/01/2001	CORRESPONDENCE ADDRESS CHANGE	
2	01/11/2001	IFW SCAN & PACR AUTO SECURITY REVIEW	
1	12/15/2000	INITIAL EXAM TEAM NN	

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EXPLANATION OF PTA CALCULATION

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